

73. (New) The fusion protein of claim 72, wherein the fusion protein further comprises a C-terminal RING finger of an IAP protein.

*BVB DS C3*

74. (New) A mutant polypeptide comprising an amino acid sequence that differs from SEQ ID NO: 34 in that one or more amino acids in SEQ ID NO: 34 is substituted with another amino acid, wherein the one or more residues are selected from the group consisting of Arg<sup>18</sup>, Phe<sup>22</sup>, Trp<sup>25</sup>, Pro<sup>26</sup>, Pro<sup>35</sup>, Ala<sup>39</sup>, Ala<sup>41</sup>, Gly<sup>42</sup>, Cys<sup>46</sup>, Asp<sup>53</sup>, Cys<sup>57</sup>, Cys<sup>60</sup>, Leu<sup>64</sup>, Trp<sup>67</sup>, Pro<sup>69</sup>, Asp<sup>71</sup>, Asp<sup>72</sup>, His<sup>77</sup>, and Cys<sup>84</sup>.

75. (New) The mutant polypeptide of claim 74, wherein the one or more residues are selected from the group consisting of Pro<sup>26</sup>, Leu<sup>64</sup>, Trp<sup>67</sup>, Pro<sup>73</sup>, and Cys<sup>84</sup>.

76. (New) The mutant polypeptide of claim 74, wherein the one or more residues are substituted with Ala.

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## REMARKS

### Amendment to the Specification

The specification has been amended to insert reference to the prior application and to delete reference that is duplicated in the insert before the first line of the specification. The amendment to the specification does not add prohibited new matter.

### Support for the New Claims

Claims 17 and 18 have been amended to insert sequence identifiers after the referenced sequences. Claims 60-76 have been added to more clearly define the invention. Support for the new claims are summarized in Table 1 below. Respectfully, the amendment to claims 17 and 18 and the addition of new claims 60-76 do not add prohibited new matter.

<b>Claims</b>	<b>Support in the Specification</b>
60	Page 17, line 24; Page 14, line 4
61, 62, 63	Page 3, line 19; Page 5, line 29; Page 7, line 7
64, 65	Page 19, line 6
66	Page 51, line 22
67	Page 70, line 21
68, 69	Page 70, lines 26-30
70	Page 2, line 18; Page 70, lines 28-30
71	Page 3, line 8
72, 73	Page 52, lines 5 and 6; Page 63, line 24
74-76	Page 63, line 13 to Page 64, line 2; Figure 12

New claims 60-76 are directed to polypeptides of Survivin and therefore are directed to the same invention as that in Group X. Accordingly, applicant respectfully requests that the new claims be examined with the claims of Group X.

Applicant also respectfully submits that once a product claim is found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim must be rejoined (MPEP 821.04). Thus, once a product in Group X is found allowable, claims directed to methods of using the product, for example in Groups V and VI, must be rejoined.

Applicant notes that claims 9-16 were canceled as requested on page 1 of the transmittal of October 18, 2000.

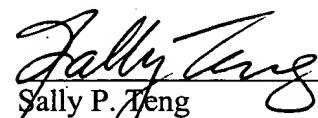
If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Date:

By:

  
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VERSION WITH MARKINGS TO SHOW CHANGES

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IN THE SPECIFICATION

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Insert before the first line (requested on page of transmittal of October 18, 2001) has been deleted.

[This is a divisional of copending application(s) Application No. 08/975,080 filed on November 20, 1997, now allowed, which claims priority to U.S. Provisional Application No. 60/031,435 filed November 20, 1996, both of which are herein incorporated by reference in their entirety.]

Paragraph beginning on page 1, line 5 has been amended as follows:

This is a divisional of copending application U.S. Application No. 08/975,080, filed on November 20, 1997, now allowed, which claims the benefit of U.S. Provisional Application No. 60/031,435, filed November 20, 1996, both of which are herein incorporated by reference in their entirety. [This application is based upon provisional U.S. Application Serial No. 60/031,435, filed November 20, 1996, the disclosure of which is hereby incorporated by reference.]

IN THE CLAIMS

The following claims have been amended as follows:

17. (Amended) An isolated polypeptide comprising the amino acid sequence depicted in Figure 10 as set forth in SEQ ID NO: 34, allelic variants thereof and fragments thereof that retain the ability to inhibit cellular apoptosis.

18. (Amended) A polypeptide comprising the sequence EGWEPDDDPPIEEHKKHSSGC (SEQ ID NO: 4); its conservatively substituted homologs and small molecule peptidomimetics thereof.